

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICK STENSCHKE,

Plaintiff,

v.

LUFTHANSA TECHNIK NORTH AMERICA
HOLDING CORP.,

Defendant.

CASE NO. C21-1646-JCC

ORDER

This matter comes before the Court on the parties’ stipulated motion for approval of their Fair Labor Standards Act (“FLSA”) settlement (Dkt. No. 16). Having thoroughly considered the parties’ briefing and the relevant record, the Court GRANTS the motion for the reasons explained herein.

In November 2021, Plaintiff filed suit in the King County Superior Court, alleging Defendant failed to pay him required overtime premiums and lawful rest and meal breaks. (Dkt. No. 1-1.) Defendant removed the case to this Court. (Dkt. No. 1.) After lengthy settlement negotiations, the parties reached a “fair and intelligent settlement of all claims and issues” and seek the Court’s approval. (Dkt. No. 16 at 1.) The Court should do so if the settlement is a “fair and reasonable resolution of a bona fide dispute.” *Grewe v. Cobalt Mortg., Inc.*, 2016 WL 4014114, slip op. at 1 (W.D. Wash. 2016) (quoting *Lynn’s Food Stores, Inc. v. United States*,

679 F.2d 1350, 1355 (11th Cir. 1982)). For there to be bona fide dispute, it “must fall within the contours of the FLSA and there must be evidence of the defendant’s intent to reject or actual rejection of that claim when it is presented.” *Altnor v. Preferred Freezer Svcs., Inc.*, 197 F. Supp. 3d 746, 763 (E.D. pa. 2016) (citation omitted). This can include a dispute over owed wages. *See id.*

The Court finds that the proposed settlement here represents a bona fide dispute. (*See* Dkt. Nos. 1-1, 1-3; *see also* Dkt. No. 16 at 4 (explaining dispute between the parties).) Plaintiff’s counsel indicates he carefully considered the risks of no recovery or recovery less favorable than the settlement if the case were to proceed to trial. (Dkt. No. 16 at 2.) And the amount is in line with recent settlements resulting from similar FLSA claims against Defendant. (Dkt. No. 17-1.) The Court FINDS that the settlement is a fair and reasonable resolution of a bona fide dispute.

For the foregoing reasons, the parties’ stipulated motion for approval of the settlement (Dkt. No. 16) is GRANTED. The proposed settlement agreement is APPROVED. Plaintiff’s claims are DISMISSED with prejudice.

DATED this 16th day of March 2023.

A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE